

CITY OF EL PASO ARTS AND CULTURE DEPARTMENT

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www.elpasoartsandculture.org

DIRECT FUNDING PROGRAM GUIDELINES

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City of El Paso Arts and Culture Department
El Paso, Texas 79901

18th Revision – Approved by City Council August 10, 2004

I ABOUT THE ARTS AND CULTURE DEPARTMENT (ACD)

- A. Created in 1978** by the Mayor and City Council of El Paso, by Ordinance Number 6163.
- B. Mission Statement:** The mission of the City of El Paso, Arts and Culture Department is to deliver high quality arts and cultural experiences, and showcase El Paso as an international cultural destination.
- C. Located in City Hall,** the Arts and Culture Department has a small staff of full-time and part-time employees who fulfill the Department's mission, with the assistance of a nineteen-member Advisory Board.
- D. The ACD Advisory Board** is composed of nineteen local citizens appointed to the Board by the Mayor and the City Council. The Mayor nominates three members from the City at large and each Council-member nominates two Board members from his or her district. Each Board member serves a three-year term. Terms are staggered so that five positions are replaced every year; however, any member may be re-appointed for an additional term. Any citizen may be appointed to the Advisory Board provided he or she has an interest, knowledge of, or experience in the performing, visual, film or literary arts. However, to avoid possible conflicts of interest in administering the mission or funds of the ACD, a nominee for appointment to the Board shall not be an Officer or Board Member of any local organization that is receiving ACD funding. Such conflict of interest is discussed in greater detail in Section XIII.A.2. of these Guidelines (page 16).
- E. City of El Paso Fiscal Year: September 1 through August 31.**
- F. Funding workshops:** Held annually, between September and October, (**Attendance Required for NEW applicants**). Application forms, information by phone or appointment available year-round. Also see the ACD website at:
www.elpasoartsandculture.org.
- G. Application deadline: December 1, 2004 5:00 p.m. for Fiscal Year 2005. (Funds are awarded after the City budget is approved in September.)**

Example

<u>Application Deadline</u>	<u>Projects/Seasons Occurring Between</u>
December 1, 2004 (18th Revision)	<u>September 1, 2005 to August 31, 2006</u> FY 2006
December 1, 2005 (18th Revision)	<u>September 1, 2006 to August 31, 2007</u> FY 2007

II FUNDING SOURCES AND CATEGORIES

A. FUNDING SOURCES - The Arts and Culture Department administers funds from two sources:

1. **City funds** allocated to the ACD from the Municipal Hotel/Motel Occupancy Tax.
2. **State funds** allocated to the ACD from the Texas Commission on the Arts (TCA)

Organizations may also apply **directly** to the TCA for certain types of funding.

- For more information on the TCA visit the TCA net on the World Wide Web at:
<<http://www.arts.state.tx.us>>

Write or call Texas Commission on the Arts at:

P.O. Box 13406

Austin, TX 78711-3406

1 - 800 - 252 - 9415 (message line only)

1 - 512 - 463 - 5535

E-Mail frontdesk@arts.state.tx.us

B. FUNDING CATEGORIES - The ACD/TCA Direct Funding Program offers two project support categories. The TCA sub-grant offers project/season support.

All projects must take place during the 12-month period of the City's fiscal year (September 1 to August 31).

1. **ACD Category I** - Eligible major arts/cultural organizations with annual revenues of **more** than \$300,000 may apply for funding to assist in planned development. Planned development may be new, expanded or improved programs and/or services.
2. **ACD Category II** - Eligible organizations with annual revenues of **less** than \$300,000 may apply for funding to assist with community-based arts/cultural projects.
3. **TCA Project Support** – Eligible organizations may apply for funding to assist with projects/seasons. Requirements are the same as those for ACD Category II.

ACD Umbrella Projects - Organizations and/or individuals without the required non-profit status may apply for project support in Category II only, under an eligible umbrella organization. Umbrella projects are **NOT** eligible for TCA funding.

III APPLICATION DEADLINE

A. The application deadline is **December 1, 2004 by 5:00 p.m.** for the ACD/TCA Direct Funding Program. Applications are received once a year and **must** be for support during the City's **next** fiscal year (September 1 to August 31).

B. Applications must be received **in the ACD offices** on or before the day of the deadline. This is **not a postmark deadline**. If the deadline falls on a weekend or holiday, the deadline will be 5:00 p.m. the next regular business day.

C. Applications will **NOT** be accepted after **5:00 pm deadline**.

D. Applications must be original, complete, typed, and legible or they will not be accepted.

IV GENERAL ELIGIBILITY REQUIREMENTS

*All applicants **must** meet the following requirements*

NOTE: UNLESS CORRECTIVE MEASURES WERE TAKEN, ORGANIZATIONS AND/OR INDIVIDUALS THAT PREVIOUSLY RECEIVED A “D” STAFF RATING WILL BE INELIGIBLE FOR ACD FUNDING IN THE NEXT CYCLE.

A. All **NEW applicants must attend an ACD Funding Workshop** (held between September and October) or an individual consultation with ACD staff, prior to the submission of an application. This is **required** for new applicants and/or organizations that have new staff/volunteers who prepare the grant applications and reports.

B. Applicant organizations must have registered non-profit, 501(c)(3), or equivalent, tax-exempt status as identified by the Internal Revenue Service (IRS Letter of Determination) or be an entity of government, or applying under a registered Umbrella organization.

C. Applicant organizations must have a history of presenting quality arts or cultural programs.

D. Demonstrate sound administrative and fiscal management.

E. Comply with all applicable State and Federal statutes and regulations including, but not limited, to the following:

1. **Title VI of the Civil Rights Act of 1964** (42 U.S.C. §§ 2000d et seq.)
Prohibits discrimination on the grounds of race, color or national origin.

2. **Title IX of the Education Amendments of 1972** (20 U.S.C. §§ 1681 et seq.)
Prohibits discrimination on the basis of sex. No person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Furthermore, all recipients of Federal funds must comply with the following:

3. **Age Discrimination Act of 1975** (42 U.S.C. §§ 6101 et seq.)
Prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.

4. **Section 504 of the Rehabilitation Act of 1973** (29 U.S.C. §§ 794)
Provides that no otherwise qualified handicapped individual in the United States shall solely by reason of his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

5. **Americans with Disabilities Act of 1990 (ADA)** (42 U.S.C. §§ 12101-12213)
Prohibits discrimination on the basis of disability in employment (Title I), state and local government services (Title II), and places of public accommodation and commercial facilities (Title III).
6. **Drug Free Workplace Act of 1988** (41 U.S.C. §§ 702)
Funding recipients must certify they will provide a drug free workplace.
7. The applicant will comply with the regulations relating to **Debarment** (45 C.F.R. pt. 1154), with the **Federal Debt Status** (OMB Circular A-129), with the **Native American Graves Protection and Repatriation Act of 1990** (25 U.S.C. 3001 et seq.), and with the **Indian Arts and Crafts Act of 1990**.
8. **Texas Assumed Business or Professional Name Act** (V.T.C.A. Bus. & Com. Code §§ 36.01, et seq.)

Applicants, which are not a corporation or other form of business registered with the Office of the Secretary of State of Texas, should comply with the requirements to file an assumed business or professional name certificate with the County Clerk.

Applicants, which are a corporation or other form of business registered with the Office of the Secretary of State of Texas, should comply with applicable registration requirements. A copy of the Assumed Name Certificate or registration with the Secretary of State, as the case may be, should be provided with the application to the ACD office.

F. Comply with all applicable Local ordinances and regulations including, but not limited, to the following:

1. **City of El Paso Ordinance #9779 C. 1.**
Provides that no qualified person shall, on the basis of disability, be excluded from participation in or be denied the benefits of any program or activity receiving financial assistance from or operated by the City of El Paso, or be subjected to discrimination with respect to employment by Grantees of the City of El Paso's financial assistance programs.
2. **City of El Paso Ordinance #8790, as amended** (Chapter 5.24 of El Paso Municipal Code)
Provides that organizations soliciting money or property for charitable, educational, patriotic or philanthropic purposes must obtain a charitable solicitations permit.

G. Applicants must also comply with the following:

1. Equity Plan

Following the close of the 72nd Legislature, the Texas Commission on the Arts developed operating principles to ensure equity in the allocation of financial assistance and services. As a part of the establishment of the Texas Cultural Endowment Fund and as codified in the Commission's amended enabling legislation, the Commission is mandated to "adopt equitable procedures for the distribution of grants to recipients who reflect the geographical, cultural and ethnic diversity of the state's population." (V.T.C.A. Government Code Section 444.024)

2. Obscenity Clause

Section 444.021(b) of the Texas Government Code prohibits the Texas Commission on the Arts and its grantees from knowingly fostering, encouraging, promoting or funding any project, production, workshop and/or program which includes obscene material as defined in Section 43.21, Penal Code of Texas.

3. Section 5 (m) and Section 7 (g) of the National Foundation on the Arts and Humanities Act of 1965. (20 U.S.C. §§ 954, 956)

Labor standards binding promise that "(1) all professional performers and related or supporting professional personnel...employed on projects...will be paid...not less than the prevailing minimum compensation for persons employed on similar activities; and (2) no part of any product or production...will be performed or engaged in under working conditions which are unsanitary or hazardous or dangerous to the health and safety of the employee..."

V. ACCESSIBILITY



A. Compliance with the Americans With Disabilities Act of 1990 (ADA) and City Ordinance #9779 requires all sites-*including office (if open to the public), rehearsal, and performance locations*-used by funding recipients be accessible to individuals with disabilities. The City department charged with determining compliance of all sites, used by organizations receiving financial assistance from the city, is the **Community and Human Development Department, Office of Accessibility**.

The Office of Accessibility determines the status of each site as one of the following:

- 1. Compliance** – The site has been reviewed and found to be in compliance; therefore, the applicant is eligible to contract with the City. The site must remain accessible to maintain status.
- 2. Conditional Compliance** – The site has been reviewed and found to have possible barriers, affecting accessibility. *The applicant is demonstrating good faith* by

cooperating with the City's Office of Accessibility to remove all barriers by an agreed-upon time; therefore, the applicant is to contract with the City on the condition that all issues of accessibility are addressed to the satisfaction of the Office of Accessibility. Failure to comply could result in ineligibility or loss of funding.

3. **Non-Compliance** – The site has been reviewed and found to have possible barriers affecting accessibility. *Applicant is **NOT** demonstrating good faith*, nor cooperating with the City's Office of Accessibility; therefore, the applicant is **NOT** eligible to contract with the City. If a site is found to be Non-Compliant, the applicant may change locations or in the case of major structural changes, an extension for a reasonable amount of time to correct may be requested.

B. Accessibility Paperwork - Applications for ACD funding must include one original (1) and one (1) copy of the following accessibility paperwork:

Accessibility Attachment Form(s)

1. **Site List/Assurance of Accessibility** - Provides exact physical addresses for all sites to be used by the applicant to allow for site review by the City's Office of Accessibility. States the applicant's intent to comply with Ordinance #9779. (Pg. 13 application form)
2. **Guidelines/Self-Evaluation Form** - Provides detailed information about site(s). A current Guidelines/Self-Evaluation form **for each site** must be submitted. If a site has been modified, or if a Guidelines/Self-Evaluation has not been performed on the site, the applicant must complete and submit a current form. If the applicant is using an outdoor site(s) it must include a Guidelines/Self-Evaluation form for **each site** that identifies and evaluates all areas for the event. Complete the top of the form (Agency Name; Telephone; Address (of site); Date and Person Filling Out Report). (Available on the ACD web site)
3. **Transition Plan** (if applicable) - If barriers are identified at the site, the applicant must submit a Transition Plan detailing required modifications, as to the cost of the modifications and the time frame to complete the modifications.

The ACD forwards the originals of the above paperwork, to the Office of Accessibility who contacts the applicant organizations directly with questions or concerns, performs site reviews and determines if the Transition Plan is adequate. **The Office of Accessibility rules on each site and notifies ACD before funding is approved.** *This entire process is **repeated** each year in order to guarantee that locations remain accessible.* If you have questions about your specific site(s), please contact the Office of Accessibility directly.

C. Change of site - Any time after an application has been accepted by the ACD any change of site requires the approval of the Office of Accessibility for an applicant to remain eligible for funding. The applicant **must** notify the ACD **at least 60 days prior to use of the new site** and repeat the process for determining accessibility status. "Emergencies" will be considered on a case-by-case basis.

D. Access Accommodations - Every organization receiving public funding **must** be able to provide accommodations when people with disabilities request services. Accessibility for the project involves both the site and the program content of activities. Costs associated with accessibility may be included as part of this funding request such as; sign language interpreters, rentals of assistive listening systems, services for Braille, etc. Costs for capital improvements or purchase of permanent equipment **are not** eligible.

VI FUNDING RESTRICTIONS

The City of El Paso, Arts and Culture Department will **NOT** accept applications for ACD or TCA Funding Programs for the following:

A. Any organization that is not in compliance with the Americans With Disabilities Act of 1990 and the City Ordinance #9779.

(This regulation requires that *ALL SITES* including *OFFICE, REHEARSAL AND PERFORMANCE* locations be accessible, or have a written "Transition Plan" if applicable, as certified by the City Office of Accessibility.)

B. Retroactive funding. Funding for any project that has already taken place or is in progress before the City's fiscal year begins (September 1).

C. Funding for projects by **individuals**, unless the individual is applying under the umbrella of a non-profit organization.

D. Projects that involve academic credit in any **educational institution**.

E. Projects at **educational institutions** that primarily **relate to curriculum** and that have minimal or no community involvement.

F. Capital construction and/or acquisitions

G. Social functions, parties or receptions

H. Operating expenses for **private** or state **owned** facilities

I. Travel or **projects outside** the City limits for ACD funding.

J. Travel or **projects outside** the State of Texas for TCA funding.

K. Commercial projects which are, or can be self-supporting

L. Broadcast media organizations

M. Fundraising projects or costs

- N. Deficits** from previously completed projects, **unanticipated costs** of ongoing projects or payment of prior **debts**.
- O. Loans, fines, penalties**, cost of **litigation** or associated interest payments
- P. Political** contributions
- Q. Re-granting** programs
- R. Items covered by restrictions** outlined in City of El Paso **contracts**
- S. Licensing fees** of any kind
- T. Scholarships, purchase awards, or cash prizes**
- U. Projects** or organizations whose primary purpose is **not secular** and programs where the **primary effect of funding would be to support a religion**.
- V. More than one** application per organization per fiscal year for ACD and one for TCA. Educational Institutions may submit only one project **per department/division**.
- W. Film/multimedia and video** TCA project funding requests will not be accepted by ACD. Organizations must apply directly to the TCA. ACD will continue to fund film projects out of city funds through the Direct Funding Program.

In addition to the above restrictions, **TCA funds may not** be used for the following:

1. Applications for Umbrella organization projects.
2. **No** administrative costs may be funded out of TCA funds.
3. Funding is for Projects only.

VII ACD CATEGORY I AND TCA PROJECT SUPPORT

CATEGORY I provides funding for qualified major non-profit arts and cultural organizations, within the City of El Paso, with annual revenues of **more than \$300,000**.

- An organization may submit one project application to the ACD **and** one to the TCA Funding Programs or both.
- Funds may be used to facilitate the ongoing presentation of high quality events.
- An organization's **regular season** can be considered a project.

A. CATEGORY I ELIGIBILITY - In addition to meeting **all** General Eligibility Requirements, applicants for Category I, **must** have the following:

1. Full-time paid professional management
2. Full or part-time paid professional artistic and/or cultural personnel

3. A regularly scheduled series of performances and/or exhibitions
4. Effective outreach or educational programs
5. Broad community involvement
6. Demonstrated high level of artistic achievement
7. Financial information for the **previous year** in one of the following forms:
 - a. Independent audit, **OR**
 - b. Tax return, **OR**
 - c. Compilation of financial statements by a third party
8. Three-year history showing financial and program growth
9. Minimum annual operating revenues of \$300,000 cash (**not in-kind**), as detailed in an independent audit, tax return for the most recently completed fiscal year.

B. CATEGORY I - FUNDING LIMITS AND MATCHING FUNDS REQUIREMENTS

Category I applicant organizations **must** provide a minimum 1:1 **cash match**. In-kind donations do **NOT** qualify as part of the match.

Category I applicant organizations may request a maximum of \$30,000 from ACD and \$10,000 from TCA (\$40,000 total). To request the maximum total of \$40,000 an organization **must** have total cash resources in excess of \$300,000.

TCA funding is for **PROJECTS ONLY** and **may not** be used to cover administrative costs.

C. CATEGORY I APPLICATION AND REQUIRED ATTACHMENTS

- Applications **must** be complete, typed and legible or they will not be accepted. Submit one (1) original and one (1) copy.

Applications must include the following:

- Three year detailed income and three year detailed expense statements
- A copy of the applicant organization's Internal Revenue Service Letter of Determination of 501 (c) (3) or equivalent non-profit status.
- A copy of the applicant organization's "**Assumed Business or Professional Name**" Certificate, if applicable, **OR** a copy of the State of Texas Office of the Secretary of State, "**Certificate of Incorporation.**"

- A copy of the applicant organization's "**Charitable Solicitation Permit**" if applicable, (required if the organization is soliciting any funds from the public, other than ticket sales).
- **Current** list of Staff and Board of Directors with mailing addresses.
- Financial information for the **previous year** in one of the following forms:
 - a. Independent audit, **OR**
 - b. Tax return, **OR**
 - c. Compilation of financial statements by a third party.
- Twelve-month plan of organizational activity, including clear statements of what will be accomplished, how it will be accomplished and what will be the expected impact (how the community is involved in preparing the plan).
- Submit one (1) original and one (1) copy of the "**Accessibility Attachment**" packet as required by the City of El Paso, Office of Accessibility Community and Human Development Department:

Packet Includes:

1. **Site List**
 2. **A Letter of Assurance**
 3. **Guidelines/Self-Evaluation form for each site**
 4. **Transition Plan (if applicable)**
- **Project Budget Detail** - On a separate attachment (there is no form for this item), income and expense amounts **must** be itemized line-by-line.
 - **Optional Attachments** may include letters of support, press clippings, print materials or other information that may enhance the application.

VIII ACD CATEGORY II AND TCA PROJECT SUPPORT

CATEGORY II provides funding for qualified non-profit arts and cultural organizations, within the City of El Paso, with annual revenues of **less** than \$300,000. Funds may be used to create and produce specific, arts/cultural projects by local organizations and/or individual artists.

- Organizations may apply for ACD Category II **and** TCA Project Support for the same season or project.
- Organizations may apply for ACD Category II **and** TCA Project Support for different seasons or projects.

TCA funding is for **PROJECTS ONLY** and **may not** be used to cover administrative costs. Umbrella projects are **NOT** eligible for TCA funding.

CATEGORY II - ELIGIBILITY - In addition to meeting all General Eligibility Requirements, applicants for Category II **must** fall into one of the following categories:

1. Professional management with volunteer and/or professional artistic personnel
 - a. Full or part-time paid or volunteer management/administration or artistic personnel.
 - b. Primarily volunteer artistic talent supplemented by occasional professional talent
 - c. A regularly scheduled series of performances and /or exhibitions and/or a single, planned cultural event.
 - d. Demonstrated commitment to outreach programs and/or community involvement.
 - e. Demonstrated commitment to a high level of artistic achievement.
2. Volunteer management with volunteer artistic personnel
 - a. Volunteer management
 - b. Volunteer artistic personnel
 - c. Presenting or planning a regularly scheduled series of performances and/or exhibitions and/or a single, planned cultural event.
 - d. Demonstrated commitment to outreach programs and/or community involvement.
 - e. Demonstrated commitment to a high level of artistic achievement.
3. Cultural/Arts Service Organizations
 - a. Provide a full year of services, information and technical assistance
 - b. Full-time paid professional staff
 - c. Demonstrated record of providing service to the field
 - d. Demonstrated record of sound financial management
 - e. Demonstrated public outreach and community involvement
4. Educational Institutions
 - a. Elementary and secondary schools
 - b. Colleges and universities
 - c. Non-profit organizations providing arts education
5. Government Agencies
6. Other non-profit organizations with an arts, historical or humanities component in their program.
7. Unincorporated groups (organizations without non-profit status) or individual artists in all disciplines applying under an **Umbrella** organization.

CATEGORY II UMBRELLA PROJECTS - Any organization or entity of government eligible for ACD funds may act on behalf of an organization **not** designated as a 501(c)(3) or equivalent tax-exempt institution or on behalf of an individual interested in applying for project support.

NOTE: Umbrella projects are **NOT** eligible for TCA funding.

Umbrella organization = registered non profit organization or entity of government
Covered entity = individual or unincorporated group

- The umbrella organization does **not** have to be an arts organization.
- Serving as an umbrella does **not** affect an organization's funding or eligibility. Funds awarded to an organization are completely separate from funds awarded to a covered individual or unincorporated group.
- Although the covered entity generally completes and submits the application, **the umbrella organization is the official applicant**. The umbrella organization is responsible for compliance with all application and reporting requirements and financial commitments of the funded project.
- The agreement between the umbrella organization and the covered entity requires the following, which **must** be submitted with the application for Project Support.
 1. A written contract/letter of agreement between the umbrella organization and the covered entity.
 2. The umbrella organization **must** agree to administer or supervise the project and accept responsibility for all fiscal and contractual obligations relating to the project.
 3. An official of the umbrella organization **must** sign the application.

B. CATEGORY II - FUNDING LIMITS AND MATCHING FUNDS REQUIREMENTS

Category II Applicants **must** provide a minimum **1:1 CASH MATCH**. In-kind donations do **NOT** qualify as part of the match.

TCA funding is for **PROJECTS ONLY** and **may not** be used to cover administrative costs.

Category II applicant organizations may request a maximum of \$15,000 from ACD and \$10,000 from TCA (total \$25,000). To request the maximum total of \$25,000, an organization **must** have a total cash match of \$25,000.

1. **Note:** Educational institutions are allowed to provide a **maximum** of 20% of staff salary costs, (time release, or salaries and wages) as part of the **cash match** for the awarded amount for the project. The remaining **cash match**, 80% of the project costs **must** come from **other sources**.

Example: an educational institution may match 20% of a \$1,000 award with staff salaries (\$200.00). The remaining 80% **must** come from other sources (\$800.00).

2. Educational Institutions may **only** submit one (1) project per department/division. The project may be submitted for ACD or TCA funds **or** both.

C. *CATEGORY II* - APPLICATION AND REQUIRED ATTACHMENTS

Applications **must** be complete, typed and legible or they will not be accepted. Submit one (1) original and one (1) copy.

Applications **must** include the following:

- A copy of the applicant organization's Internal Revenue Service Letter of Determination of 501 (c) (3) or equivalent non-profit status.
- A copy of the applicant organization's "**Assumed Business or Professional Name**" Certificate, if applicable, **or** a copy of the State of Texas Office of the Secretary of State, "**Certificate of Incorporation.**"
- A copy of the applicant organization's "**Charitable Solicitation Permit**" if applicable, (required if the organization is soliciting any funds from the public, other than ticket sales).
- **Current list of the organization's Staff and Board of Directors** with mailing addresses.
- If applying under an umbrella organization, a copy of the contract/letter of agreement with that organization.
- Submit one (1) original and one (1) copy of the "**Accessibility Attachment**" packet as required by the City of El Paso, Office of Accessibility, Community and Human Development Department:

Accessibility Attachment packet Includes:

1. **Site List**
 2. **A Letter of Assurance**
 3. **Guidelines/Self-Evaluation form for each site**
 4. **Transition Plan (if applicable)**
- **Project Budget Detail** - On a separate attachment (there is no form for this item), income and expenses amounts **must** be itemized line-by-line.
 - **Optional Attachments** may include letters of support, press clippings, print materials or other information that may enhance your application.

*****REQUIREMENTS FOR BOTH CATEGORIES I AND II *****

IX APPLICATION AMENDMENT/REVISED BUDGET

After notification of funding, applicants **must** submit an “Application Amendment/Revised Budget,” which becomes part of the binding contract between the City of El Paso, Arts and Culture Department and the applicant organization.

Note: Whereas the original application is based on the full amount requested, the “Application Amendment/Revised Budget” details any modifications necessitated by the actual amount of funding awarded. Projects **may not** be altered radically (such as cutting the project in half) but modifications may include adjustments (such as renting fewer costumes, or hiring fewer musicians). Projects **must** conform to the original intent of the application, including project dates and locations.

X FINAL REPORT

DEADLINE: Grant recipients **must** submit a Final Report [one (1) original and one (1) copy] within **30 days after the completion of the project or Sept. 15**, whichever comes **first**. Final Reports **must** be original, complete, typed and legible or they will not be accepted.

Requirements:

- Submit a completed ACD Final Report **and** the Summary for Matrix form **and** a numbered and dated invoice in the amount stated in the contract.
- Include all **receipts** that document actual expenditures for the (i) **total award** of ACD and TCA funds, **AND** (ii) the organization’s **cash match requirement**, as identified in the Applicant’s Revised Budget as attached to the contract.
- Receipts must consist of one of the following:
 - a. Supporting documentation such as invoices to substantiate the request. Invoices shall include the name of the person or vendor, date, purpose of expenditure and check number, which paid the expenditure. Invoices should also be stamped as “paid” to ensure they are not paid more than once.

OR

- b. Photocopy of actual check, cancelled check or check stub. Photocopy should be of front and back of cleared check. If cancelled checks are not available the City requires applicable bank statements as described below.

OR

- c. Photocopy of applicable bank statements that reference the checks paid.

The City of El Paso must ensure that funds have been expended prior to reimbursing the grantee.

- Attachments - one complete set that includes one copy of each poster, program press release and flyer relating to the project with a proper **credit line** (see XV Contractual Obligations, B. 1.) The credit line should be **prominent, readable and equitable** in size to other supporter/sponsor acknowledgments. A sampling of publicity, including press releases, public service announcements, print ads and articles should also be included.
- Other supporting documentation related to the project is optional.

Note: The City of El Paso and the Texas Commission on the Arts reserve the right to audit the books and records of the Contractor, upon reasonable notice to the Contractor and during regular working hours, in order to ensure fiscal and programmatic compliance with the assurances in the Contract.

XI PAYMENTS

Payment - Funds are disbursed according to the general procedures of the City Purchasing, Legal and Comptroller Departments. **ACD does not award grants**, per se, rather the ACD enters into **Contracts** based on the merit of the artistic and cultural services applicants deliver to the El Paso public in exchange for funding. The payment schedule is as follows:

- Funds will be disbursed in one payment (100%) upon **completion of the project and acceptable completion and submission** of the Final Report and invoice.

OR

- Payments **may** be made in two installments of 50% each, upon the submission of a completed **Mid Year Report, invoice** and the corresponding **receipts** for 50% of the organization's cash match and 50% of the amount awarded from ACD and/or TCA. Mid Year Reports are due **no later** than March 15.

XII TIMETABLE (Step by Step)

The following is an overview of the application process.

- A. Workshops** – Applicant organizations attend an ACD Funding Workshop (held between September and October), or an individual consultation with ACD staff to review the application guidelines and forms. **This is mandatory for all first-time applicants**, and organizations that have **new** staff/volunteers preparing the grant requests and reports.
- B. Application Draft Review** - After the workshops and before the application deadline, ACD staff are available, by appointment, to review application drafts.

C. Applications Due - Applicants submit the completed **original** application and one (1) copy, with **all** required signatures ***IN BLUE INK***, **all** attachments including the Accessibility Guidelines and Self-Evaluation forms, to the ACD office. **DEADLINE is 5:00 p.m., December 1 No Exceptions.**

D. Accessibility Review – Applicant organizations submit one (1) original and one (1) copy of the required documents to the ACD office, **by the application deadline**. In order to be considered for funding organizations **must** be in compliance or in conditional compliance with the City’s Accessibility Ordinance #9779.

E. Applications Reviewed - ACD staff review applications, check math and verify information as needed.

F. Applications to Board - ACD staff distributes sets of all applications to the ACD Advisory Board. ACD Board members review each application.

G Meeting to Rate Applications - The ACD Advisory Board meets, at a regular open meeting, to determine eligibility for funding and to rate all applications. *Applicants may attend but may not interact with the Board members during this meeting.*

NOTE: ACD Board members and staff may attend funded events in order to evaluate projects. Evaluation forms are placed in the organization’s file.

H. Scores Tabulated - ACD staff tabulates the final rating score for each application.

I. Notification of Rating Score and Eligibility - Applicants are notified of their score, by letter, and receive a copy of the ACD Advisory Board’s transcribed comments regarding their application.

J. Notification of Funding - In September all eligible applicant organizations are notified, by letter, of the **total** amount of funding that they are eligible to receive. The amount of funding is determined by the City budget, as approved by City Council and the amount awarded to the city by TCA. The final amount allocated is determined by applying the “Funding Formula,” (see section XVII). The “Funding Formula” is an equitable procedure for the distribution of available funds among eligible applicants.

K. Application Amendment (includes Revised Budget form) - After notification of funding, applicants prepare and submit an “Application Amendment” which includes the Revised Budget. The “Application Amendment” becomes part of the **binding contract** as “Attachment A.”

L. Contracts - Execution of contracts entails several steps:

1. Contracts are prepared for all applicant organizations funded.
2. The organization’s Executive/Project Director and Board Chair meet with ACD staff to review and sign the contract.

3. The signed contracts are placed on the City Council agenda for a vote for Council to approve.
- M. After approval by City Council, the Mayor signs the contracts, which are then mailed to each contractor.
- N. **Changes** - Once the contract is signed, **it is the obligation of the organization to inform ACD immediately** of any deviations from the final application as amended by "Attachment A" to the Contract. The organization **must** provide a **letter or e-mail describing any significant changes**.
- O. **Final Reports** – All Final Reports are due **30 days** after the completion of the project **or** by **September 15**, whichever comes first.
- P. **Payment** - Funds are disbursed according to the general procedures of the City Purchasing, Legal and Comptroller Departments. **ACD does not award grants**, per se, rather the ACD enters into **contracts** based on the merit of the artistic and cultural service applicants deliver to the El Paso public, in exchange for funding. **Funds are usually disbursed in one payment (100%) upon completion of the project and acceptable completion of the Final Report and invoice.**
- Note:** Payments **may** be made in two installments (50% each), upon submission of a "Mid Year Report," and the corresponding receipts and cash match receipts and invoice in the amount of 50% of the grant awarded. Mid Year Reports are due no later than March 15.

XIII APPLICATION REVIEW, CRITERIA AND SCORING

A. Procedure for review, rating and determining final score of applications -

1. **The ACD Advisory Board rates applications** using the written criteria and point system as outlined below.

Points:

- The maximum number of points per application is 100.
 - Ratings below 70 require written explanation by the reviewer.
2. **Conflict of Interest Policy** – ACD Advisory Board members may not serve as Officers or Board Members of organizations that have been announced as receiving ACD City or TCA funding. Board members must disclose in writing any potential conflict of interest, including political, financial, and/or professional affiliations. In the case of a declared conflict of interest Board members are required to abstain from the review process, neither rating nor commenting on the application involved.

3. **Final Score** - After the ACD Advisory Board completes their ratings, the ACD staff confirms the math, eliminates the highest and lowest ratings and averages the remaining ratings to arrive at the applicant organizations **final score**. The **minimum score** to be eligible for funding is **70**. The final score is later entered into the “Funding Formula” to determine the actual amount of funding each applicant will receive.

B. Criteria - The criteria for review and rating of all applications corresponds to the narrative portion of the application form. For covered projects subject to an umbrella contract, the criteria are applied to the specific project **not** the umbrella organization.

Artistic Merit: 1 - 40 points

1. Will the project promote artistic excellence, support outstanding artists, and/or preserve an art form?
2. Rate the project director’s relevant qualifications.
3. Rate the organization’s record for creation and/or presentation of meritorious artistic programming.

Service to General Community and Artists: 1 - 20 points

1. Was the project developed in response to the community and does it include a strategy for reaching the target audience?
2. Will the project meet a need not otherwise being met and/or respond to a particular cultural heritage?
3. Will the project offer employment opportunities for artists and technical assistance to the community?

Accessibility, Outreach and Diversity: 1 - 20 points

1. Will the project be accessible to all audiences and/or participants?
2. Does the project include effective community outreach?
3. Does the project address the diversity of the community?

Administrative and Financial Capability: 1 - 20 points

1. Rate the organization’s record of successfully completed projects, including personnel (paid and unpaid) qualifications and community support.
2. Does the project have solid funding support from other sources?
3. Evaluate the funding plan for current and future operations and/or continuation of the project.

XIV ACD STAFF RATING

The ACD staff rating is based on review of the “Final Report” and related information. It becomes part of the organization’s permanent file. The staff rating is: **A, B, C or D** based on the following criteria:

- “A”** Project was completed as described in the Application Amendments/Revised Budget.
- Exceeded matching funds projections
 - Submitted “Final Report” by due date
 - Receipts were clear and easily identified to ACD/TCA and the organizations match.
 - Submitted exceptional supporting documentation
 - Exceeded requirements for credit to ACD/TCA (**prominent and equitable**)
- “B”** Project was completed as described in the Application Amendment/Revised Budget.
- Met matching funds requirements
 - Submitted “Final Report” by due date
 - Receipts were adequate
 - Submitted required supporting documentation
 - Met requirements for credit to ACD/TCA (**prominent and equitable**)
- “C”** Did not complete project as described in the Application Amendment/Revised Budget.
- Did not meet matching funds requirements
 - Submitted “Final Report” past due date
 - Receipts were unclear and difficult to match to expenditures
 - Did not submit required supporting documentation
 - Did not meet requirements for credit to ACD/TCA (**prominent and equitable**)
- “D”** Failure of any **one or more** of the following:
- Did not do the project or did not complete project as described in the Application Amendment/Revised Budget and failed to notify ACD of deviations or changes to the project.
 - Did not notify ACD that the project would not expend the full amount awarded
 - Did not meet matching funds requirements
 - Submitted a “Final Report” over 15 days past due date
 - Did not submit receipts for ACD/TCA award and 1:1 cash match
 - Did not submit required supporting documentation
 - Did not submit final report

NOTE: NOTE: UNLESS CORRECTIVE MEASURES ARE TAKEN, ORGANIZATIONS AND/OR INDIVIDUALS RECEIVING A “D” STAFF RATING WILL BE INELIGIBLE FOR ACD FUNDING IN THE NEXT CYCLE.

XV CONTRACTUAL OBLIGATIONS

- A. Contractors **must** comply with all requirements set forth within the contract between the Contractor and the City of El Paso. Failure to comply may result in legal action by the City including, but not limited to, termination of the contract. Non-compliance with the contract requirements may also result in forfeiture of current funding and render the Contractor ineligible for future funding.
- B. The following requirements apply to all projects or seasons funded through ACD for the period of the contract.
1. **Credit to ACD and TCA** - Contractors must acknowledge funding received from the City of El Paso, Arts and Culture Department and the Texas Commission on the Arts with the following credit line. The credit line should be **prominent, readable** and **equitable** in size to other supporter/sponsor acknowledgments.

CREDIT LINE

**“WITH THE SUPPORT OF THE CITY OF EL PASO, ARTS AND CULTURE
DEPARTMENT AND THE TEXAS COMMISSION ON THE ARTS”**

Credit line criteria:

- a. Wording must be **exactly** as specified. The ACD logo may **not** be used, alone or with the credit line. **Do not** use the term “Sponsored by...” This is reserved for those events that the ACD itself coordinates and funds. However, the TCA logo may be used on any printed materials.
- b. Location must be **prominent and easily readable** in relation to the size of the document. For example: Type size on posters should be significantly larger than that used on flyers and should be **equitable and not diminished in size** in relation to the document or other supporter/sponsor acknowledgments.
- c. **ALL printed programs, season brochures, posters, and flyers** for the project or season funded must carry the credit line. Any additional printed credit is optional.
- d. **Public art works**, such as murals and outdoor sculpture must carry the credit line as part of the work or as part of a permanent plaque or sign to be affixed to the artwork.
- e. The credit line **shall** also be included in printed invitations for the project or season funded.
- f. **Visual arts projects** must also include the credit line in invitations for all related events.

g. Performances and presentations with no printed program must include verbal credit in the form of an announcement prior to each performance or presentation.

2. Project Changes - Any deviation from the project as described in the original application and the "Application Amendment/Revised Budget" requires notice ***prior to the commencement of the project***. It is the obligation of the Contractor to submit a letter or e-mail to the ACD if significant changes are to be made to the project. Deviations, including but not limited to changes of date or location, budgetary changes, or finalizing of information which was undetermined at the time of application, are subject to review by the ACD Director and/or Advisory Board. Changes of location also require prior review by the City's Community and Human Development Department, Accessibility ADA Coordinator. "Emergencies" will be considered on a case-by-case basis.

3. Information for ACD Board Members and Staff - Organizations are required to provide timely information (flyers, brochures, newsletters) for events for distribution to board members. Information should be delivered to the ACD office for distribution.

Note: ACD Board and staff members may attend the funded events in order to evaluate projects. Written evaluation forms are placed in the organization's file.

XVI APPEALS

A. Basis for Appeal - an applicant, who has received **an ineligible final score of below 70** and, therefore, has been denied funding, may appeal the score in accordance with the appeals procedures set forth below. An applicant who files an appeal shall have the burden of proving that:

1. The ACD Advisory Board failed to follow published criteria and/or review procedures in rating the application.
2. The ACD Advisory Board acted in an unfair manner; or
3. The ACD Advisory Board's decision was based on insufficient information through no fault of the applicant.

B. Appeals Process - The timetable for appeals is as follows:

1. All appeals **must** be submitted **in writing** to the Director of the ACD, within **five (5) days** of the notification of ineligibility that prompted the appeal.
2. The Director of the ACD places the appeal on the agenda for the next regularly scheduled meeting of the ACD Advisory Board. The applicant is notified of the date, time and location of the meeting.

3. At the meeting, during consideration of the appeal, the applicant has **five (5) minutes** to present their argument.
4. The ACD Advisory Board renders its decision on the appeal.
5. To appeal the ACD Advisory Board's decision, the applicant may appeal to the Mayor and City Council. **Written** notice of intent to appeal to City Council **must** be submitted to the Director of the ACD within **five (5) days** of the ACD Advisory Board's decision.
6. The Director of the ACD places the appeal on the agenda for the next regularly scheduled meeting of City Council. The applicant is notified of the date, time and location of the meeting.
7. The appeal is addressed by City Council.
8. **All decisions by City Council are final.**
9. Applicants who appeal successfully receive a **maximum** rating of **70 points** on their application.

XVII FUNDING FORMULA

The ACD's funding formula is a procedure for the **equitable** distribution of available funds among eligible applicants. The formula involves **three stages**: **1.** Allocation of the main portion of the funds (basic award). **2.** Allocation of the discretionary pool. **3.** The addition of the two allocations to equal the final award.

EXAMPLES: (For ACD's allotment of Funds)

A. Main Allocation of Funds - This stage determines each applicant's **basic award**. Calculating this percentage (accurate to two decimal places) is the first step of the formula.

1. Determine Available Funds:

ACD Funding Program - The exact amount of money allocated to the ACD in the "approved" City budget is a percentage of the amount initially requested by ACD. (The amount initially requested is the total amount requested by all eligible applicants.)

Example:

Total requested by eligible applicants	=	\$300,000
Total requested by ACD from City Budget	=	\$300,000
Total received by ACD from "approved" City Budget	=	\$150,000

\$150,000 is **50%** of \$300,000

2. Determine Percentage of Funding Received:

Each applicant's request for funding is then multiplied by this percentage to determine a ceiling allocation (maximum) per applicant.

Example:

Organization A's Direct Funding request for	
\$10,000 x <u>50%</u>	= ACD \$5,000 (maximum)

3. Determine Basic Award:

Each applicant's ceiling allocation is then multiplied by the applicant's final score preceded by a decimal, that is, converted to a percentage (see CRITERIA AND SCORING A. 3) to determine the basic award.

Example:

Organization A's Maximum of	
\$5,000 x final score of .95	= \$4,750 basic award ACD
Total Basic Award ACD	= \$4,750

B. Allocation of Discretionary Pool - The first stage of the funding formula automatically creates a discretionary pool that is distributed among those applicants receiving a final score of 90 or above.

1. The total of all basic awards is subtracted from total funds available to determine the discretionary pool.

Example:

Total funds available	=	\$150,000
Total of all basic awards	=	<u>\$140,000</u>
Discretionary pool	=	\$ 10,000

2. All scores of 90 or above are totaled, and then each of those scores is divided by the total to determine the percentage of the discretionary pool each applicant will receive.

Example:

Organization A's final score	=	95
Organization B's final score	=	+96
Organization C's final score	=	+97
Organization D's final score	=	+98
Organization E's final score	=	<u>+99</u>
		485

Organization A's score of 90 divided by 485 = 19.59%

3. The percentage for each applicant is then multiplied by the amount of the discretionary pool to determine each applicant's share of the pool.

Example:

Organization A's 19.59% x \$10,000 = \$1,959

C. The Final Award is determined by adding the basic award to the discretionary pool allocation. No application will be awarded more than the original request.

Example:

Organization A's total basic ACD award	=	\$4,750
A's share of discretionary pool	=	<u>\$1,959</u>
Organization A's final award	=	\$6,709

Note: The same formula is applied to determine the TCA portion of funding.

CHECKLIST FOR APPLICATIONS

Please read the current Direct Funding Guidelines BEFORE completing the grant application. Applications MUST be complete, original signed, TYPED and legible or they will not be accepted.

Applications available on the ACD web site: elpasoartsandculture.org

Application package must include:

- ☐ Original Application and one (1) copy signed in BLUE INK.
- ☐ Required Attachments:
 - ☐ Copy of Internal Revenue Service Letter of Determination of 501(c)(3) or equivalent non-profit status. (Not applicable to entities of government).
 - ☐ Copy of Assumed Name Certificate or State of Texas Certificate of Incorporation whichever is applicable.
 - ☐ Copy of Charitable Solicitation Permit if the applicant is soliciting any funds from the public.
 - ☐ Current list of staff and board of directors with mailing addresses.
 - ☐ One (1) original and one (1) copy of the "Accessibility Attachment" Packet
 - ☐ Site List
 - ☐ Letter of Assurance
 - ☐ Self- Evaluation Form
 - ☐ Transition Plan (if applicable)
- ☐ Project Budget with details of income and expenditures
- ☐ Optional attachments (press clippings, print materials, etc.). These may enhance your application.

CATEGORY I APPLICANTS ONLY

- ☐ 12-month plan of organizational activity
- ☐ Three-year detail income and three-year detail expense statements
- ☐ Financial information for the previous year in one of the following forms:
 - a. Independent audit, **or**
 - b. Tax return, **or**
 - c. Compilation of financial statements by a third party